

Regular Session, 2009

HOUSE BILL NO. 628

BY REPRESENTATIVE LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Provides for the delays for certain child custody orders

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 3945(C)(1) and (2) and (D), relative
3 to child custody; to provide relative to orders of temporary custody; to extend the
4 period for the setting of the hearing of the rule to show cause; to provide relative to
5 the expiration of temporary custody and visitation; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 3945(C)(1) and (2) and (D) is hereby
8 amended and reenacted to read as follows:

9 Art. 3945. Incidental order of temporary child custody; injunctive relief; exceptions

10 * * *

11 C. An ex parte order of temporary custody shall:

12 (1) Expire by operation of law within ~~fifteen~~ thirty days of signing of the
13 order; however, the order may be extended for good cause shown at any time before
14 its expiration for one period not exceeding ~~ten~~ fifteen days.

15 (2) Provide specific provisions for temporary visitation by the adverse party
16 of not less than forty-eight hours during ~~the~~ any fifteen-day period, unless the
17 verified petition or supporting affidavit clearly demonstrates that immediate and
18 irreparable injury will result to the child as a result of such visitation.

19 * * *

D. The rule to show cause why the respondent should not be awarded the custody, joint custody, or visitation of the child shall be assigned for hearing not more than ~~fifteen~~ thirty days after signing of the ex parte order of temporary custody.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Landry

HB No. 628

Abstract: Relative to temporary child custody during the pendency of an action for divorce, extends the period for expiration of the ex parte order of temporary custody and assignment for the rule to show cause from 15 days to 30 days.

Present law provides for an incidental order of temporary custody and injunctive relief during the pendency of an action for divorce.

Present law provides, in part, that an ex parte order of custody shall expire within 15 days of the signing of the order, that temporary visitation during the 15 days may be provided for in the order, and that the custody hearing shall be assigned for hearing no more than 15 days after signing of the ex parte order.

Proposed law retains present law, but extends the period for expiration of the order and assignment for the hearing from 15 days to 30 days.

(Amends C.C.P. Art. 3945(C)(1) and (2) and (D))